

UNITED STATES OF AMERICA and
THE STATE OF WISCONSIN,

Plaintiffs,

V.

NCR CORPORATION, *et al.*,

Defendants.

Civil Action No. 10-C-910

The Honorable William C. Griesbach

**UNITED STATES' UNOPPOSED CIVIL L.R. 7(h) EXPEDITED NON-DISPOSITIVE
MOTION TO CORRECT THE TRIAL RECORD REGARDING EXHIBIT 3056**

The United States of America hereby moves for entry of an Order correcting the trial record to substitute the correct version of Exhibit 3056 used at the December 2012 trial in this case (Attachment 1 to this Motion) and replace an incorrect version of that exhibit that was inadvertently placed on the hard drive submitted to the Court (Attachment 2). The United States recently discovered that the version of Exhibit 3056 that was placed on that hard drive omitted electronically drawn annotations depicting “Area 1” and “Area 2” on several maps, as explicitly mentioned in the official Trial Transcript. *See* Tr. 1441-46 (Attachment 3). After discovering this inadvertent error, the United States was able to recover the correct images for Exhibit 3056 – containing the original electronically drawn annotations – from the electronic trial presentation software and computer system that the United States used to project exhibits at the trial. As noted above, that correct version of Exhibit 3056 accompanies this Motion as Attachment 1.

This Motion is made pursuant to E.D. Wis. Civil L. R. 7(h) and Fed. R. App. P. 10(e)(2)(B). Fed. R. App. P. 10(e)(2)(B) allows the District Court to correct an omission from the record made by error or accident before or after the record has been transmitted to the Court of Appeals. Plaintiff the State of Wisconsin and Defendants NCR Corporation, Georgia-Pacific Consumer Products, L.P., P.H. Glatfelter Company, WTM I Company, CBC Coating, Inc., U.S. Paper Mills Corp., Menasha Corp., City of Appleton, and Neenah-Menasha Sewerage Commission do not oppose this motion.

The United States respectfully requests that the Court allow this correction of the trial record by entry of the accompanying proposed Order (Attachment 4 to this Motion). The United States also requests that the Order and the corrected version of Exhibit 3056 be transmitted to the Court of Appeals as part of the record on appeal in this case (Seventh Circuit No. 13-2436) pursuant to Seventh Circuit Rule 10(b).

Respectfully submitted,

For the United States of America

ROBERT G. DREHER
Acting Assistant Attorney General
Environment and Natural Resources Division

Dated: November 14, 2013

s/ *Randall M. Stone*
RANDALL M. STONE, Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611
Telephone: 202-514-1308
Facsimile: 202-616-6584
E-Mail: randall.stone@usdoj.gov

GREGORY J. HAANSTAD
Attorney for the United States, Acting
Under Authority Conferred by 28 U.S.C. § 515

SUSAN M. KNEPEL
Assistant United States Attorney
Office of the United States Attorney
517 E. Wisconsin Avenue, Room 530
Milwaukee, WI 53202

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true and correct copy of the foregoing Motion to be served on the following counsel of record by the Court's Electronic Case Filing system:

Mary Rose Alexander
Latham & Watkins LLP
mary.rose.alexander@lw.com

Thomas Armstrong
von Briesen & Roper SC
tarmstro@vonbriesen.com

Paul Bargren
Foley & Lardner LLP
pbargren@foley.com

Linda E. Benfield
Foley & Lardner LLP
lbenfield@foley.com

Dennis P. Birke
DeWitt Ross & Stevens SC
db@dewittross.com

Garrett L. Boehm, Jr.
Johnson & Bell, Ltd.
boehmg@jbltd.com

Steven P. Bogart
Reinhart Boerner Van Deuren SC
sbogart@reinhartlaw.com

Michael P. Carlton
von Briesen & Roper SC
mcarlton@vonbriesen.com

Evan R. Chesler
Cravath Swaine & Moore LLP
echesler@cravath.com

Francis A. Citera
Greenberg Traurig LLP
citeraf@gtlaw.com

Marc E. Davies
Greenberg Traurig LLP
daviesm@gtlaw.com

David R. Erickson
Shook Hardy & Bacon LLP
derickson@shb.com

S. Todd Farris
Friebert Finerty & St. John SC
stf@ffsj.com

Patrick J. Ferguson
Latham & Watkins LLP
patrick.ferguson@lw.com

Charles Fried
fried@law.harvard.edu

Sandra C. Goldstein
Cravath Swaine & Moore LLP
sgoldstein@cravath.com

Thomas R. Gottshall
Haynsworth Sinkler Boyd PA
lgantt@hsblawfirm.com

Eric W. Ha
Sidley Austin LLP
eha@sidley.com

Scott W. Hansen
Reinhart Boerner Van Deuren SC
shansen@reinhartlaw.com

William H. Harbeck
Quarles & Brady LLP
william.harbeck@quarles.com

Cynthia R. Hirsch
Wisconsin Department of Justice
hirschcr@doj.state.wi.us

Margaret I. Hoefer
Stafford Rosenbaum LLP
mhoefer@staffordlaw.com

Caleb J. Holmes
Greenberg Traurig LLP
holmesc@gtlaw.com

Philip C. Hunsucker
Hunsucker Goodstein PC
phunsucker@hgnlaw.com

Peter C. Karegeannes
Quarles & Brady LLP
peter.karegeannes@quarles.com

Paul G. Kent
Stafford Rosenbaum LLP
pkent@staffordlaw.com

Gregory A. Krauss
Gregory Krauss pllc
gkrauss@krausspllc.com

Linda R. Larson
Marten Law PLLC
llarson@martenlaw.com

Vanessa A. Lavelly
Cravath Swaine & Moore LLP
vlavelly@cravath.com

Susan E. Lovern
von Briesen & Roper SC
slovern@vonbriesen.com

Anne E. Lynch
Hunsucker Goodstein PC
alynch@hgnlaw.com

Kevin J. Lyons
Davis & Kuelthau SC
klyons@dkattorneys.com

Meline G. MacCurdy
Marten Law
mmaccurdy@martenlaw.com

David G. Mandelbaum
Greenberg Traurig LLP
mandelbaumd@gtlaw.com

Bradley M. Marten
Marten Law
bmarten@martenlaw.com

Allison E. McAdam
Hunsucker Goodstein PC
amcadam@hgnlaw.com

Darin P. McAtee
Cravath Swaine & Moore LLP
dmcatee@cravath.com

Stephen F. McKinney
Haynsworth Sinkler Boyd PA
smckinney@hsblawfirm.com

Heidi D. Melzer
Melzer Law, LLC
hmelzer@melzerlaw.com

Elizabeth K. Miles
Davis & Kuelthau SC
emiles@dkattorneys.com

William J. Mulligan
Davis & Kuelthau SC
wmulligan@dkattorneys.com

Omid H. Nasab
Cravath Swaine & Moore LLP
onasab@cravath.com

Kelly J. Noyes
von Briesen & Roper SC
knoyes@vonbriesen.com

Nancy K. Peterson
Quarles & Brady LLP
nancy.peterson@quarles.com

Thomas M. Phillips
Reinhart Boerner Van Deuren SC
tphillip@reinhardtlaw.com

Ian A.J. Pitz
Michael Best & Friedrich LLP
iapitz@michaelbest.com

David A. Rabbino
Hunsucker Goodstein PC
drabbino@hgnlaw.com

Ronald R. Ragatz
DeWitt Ross & Stevens SC
rrr@dewittross.com

Kathleen L. Roach
Sidley Austin LLP
kroach@sidley.com

Megan A. Senatori
DeWitt Ross & Stevens SC
ms@dewittross.com

Adam B. Silverman
Greenberg Traurig LLP
silvermana@gtlaw.com

M. Andrew Skierawski
Friebert Finerty & St. John SC
mas@ffsj.com

Sarah A. Slack
Foley & Lardner LLP
sslack@foley.com

Margaret R. Sobota
Sidley Austin LLP
msobota@sidley.com

Arthur A. Vogel, Jr.
Quarles & Brady LLP
arthur.vogel@quarles.com

Anthony S. Wachewicz, III
City of Green Bay
tonywa@ci.green-bay.wi.us

James P. Walsh
Appleton City Attorney
jim.walsh@appleton.org

Ted A. Warpinski
Friebert Finerty & St John SC
taw@ffsj.com

Ted Waskowski
Stafford Rosenbaum LLP
twaskowski@staffordlaw.com

Evan B. Westerfield
Sidley Austin LLP
evanwesterfield@sidley.com

Richard C. Yde
Stafford Rosenbaum LLP
ryde@staffordlaw.com

Dated: November 14, 2013

s/ *Randall M. Stone*